Quarterly Report

OF THE

ATTORNEY GENERAL

OF

ALABAMA

FOR THE PERIOD

FROM OCTOBER 1, 1966

THROUGH DECEMBER 31, 1966

VOLUME 125

RICHMOND M. FLOWERS, Attorney General

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QUARTERLY REPORT

of the

ATTORNEY GENERAL

of

ALABAMA

For the Period

From October 1, 1966

Through December 31, 1966

TO THE STATE, COUNTY, AND MUNICIPAL OFFICERS OF ALABAMA:

This Quarterly Report of the Attorney General of Alabama, which includes all official opinions rendered by the Attorney General from October 1, 1966 through December 31, 1966, is published in compliance with the provisions of Title 55, Section 228, Code of Alabama 1940.

Under this section of the Code, I am required to send seven copies of this quarterly report to each judge of probate in the State and the judge of probate, in turn, is required to deliver one copy each to the clerk of the circuit court, the sheriff, the tax collector, the tax assessor, the county superintendent of education, and the deputy or county solicitor of his county. This section also requires that I send a copy of this report to each circuit solicitor and the chief executive officer of each incorporated municipality in the State.

The office of the Attorney General is anxious to render prompt and efficient service to the State, county, and municipal officials. If you have any suggestions to make regarding the improvement of the service, I shall be glad to hear from you.

Sincerely,

RICHMOND M. FLOWERS
Attorney General

RICHMOND M. FLOWERS
Attorney General

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OPINIONS

October 3, 1966

Honorable Joe Coupland, Principal
Morgan County High School
Hartselle, Alabama 35640

Municipalities — Schools — Taxation

1. Under Title 52, Section 263, Code of Alabama 1940, Recompiled 1958, a city having a city board of education constitutes an independent school tax district for purposes of levying certain school taxes.

2. It is illegal to include parts of a city having a city board of education in the same school district with other parts of the county or the part outside the city within the separate city school tax district.

Opinion by Assistant Attorney General Madison.

Dear Mr. Coupland:

I have your letter of September 28, 1966, which is as follows:

"Please advise concerning the legality of a district school system in the State of Alabama

"For example, the Morgan County High School district covers territory within Morgan County and greater than the city limits of Hartselle, Alabama. Under Alabama law, could this district form a school system separate from the Morgan County school system and including the area within the city limits of Hartselle as well as that part of the district lying outside the city limits and within Morgan County."

Hartselle, Alabama, has a population, according to the last Federal Census, of 5000. It is therefore entitled to have a City Board of Education under the provisions of Chapter 8, Title 52, Code of Alabama 1940 as Recompiled in 1958. Quarterly Report of Attorney General, Volume 116, page 29.

Under the provisions of Title 52, Section 263, Code of Alabama 1940 as Recompiled in 1958, a city having a City Board of Education shall constitute an independent school tax district for purposes of levying certain school taxes.

It is assumed that your inquiry relates to the division of your county into school tax districts for purposes of taxation under Title 52, Section 254, et seq., Code of Alabama 1940 as Recompiled in 1958.

My opinion is that if Hartselle forms a City Board of Education, the said city would constitute a new and separate school tax district and it would be illegal to continue to include the city in the same school district with other parts of the county or the part outside the city within the

separate city school tax district. Quarterly Report of Attorney General, Volume 76, page 55.

Yours very truly,
RICHMOND M. FLOWERS
Attorney General

October 10, 1966

Dr. Ira L. Myers
State Health Officer
State Office Building
Montgomery, Alabama

Health and Health Department — Nurses — Social Security — Medicare.

The State Board of Health is authorized to provide home nursing care by virtue of its contract with the Secretary of the Department of Health, Education, and Welfare; and it is authorized to collect directly from persons insured under the provisions of Title XVIII of the Social Security Act for the part of the costs of such home nursing services, as they are required by the said Act to pay personally.

Opinion by Assistant Attorney General Robert F. Miller.

Dear Sir:

The question proposed in your letter of August 15, 1966, was first submitted to this office on February 28, 1966, but has not been answered heretofore partially due to the fact that the first request was withdrawn by you on May 13, 1966.

Your letter of August 15, 1966, is set out as follows:

"Under the Social Security Amendments Act of 1965, PL 89-97, people 65 years of age or older may subscribe to a medical insurance program. These visits must be made by nurses or other personnel from a certified home health agency. However, there is a $50.00 deductible which they must meet first, and then Social Security will pay only 80% of the cost of the visits, leaving 20% for the patient to pay.

"The Nursing Divisions of the local health departments have been authorized to provide these services. In order to give quality service and to have sufficient personnel to provide home health care it is necessary for the agencies to receive reimbursement for the total reasonable cost of the visit. The only way in which this is possible is for the health departments to be allowed to collect as fees those amounts not covered by Social Security.

"Would you please give us an Attorney General's ruling on this as soon as possible."

It is my opinion that your question may be answered in the affirmative.

After reviewing the Code of Alabama, I find that the State Board of Health has been vested with authority to operate and provide facilities for the treatment of any type of disease. Section 2 of Act No. 211, Acts of Alabama 1945, page 330.

Part (b) of Section 5 of said Act No. 211 authorizes the State Board of Health to enter into contracts with any agency for the purpose of providing facilities for the treatment of any type of disease; and Section 2 of said Act No. 211 specifically authorizes the State Board of Health to enter into "contracts with the United States Government . . . for the treatment of any type of disease."

Act No. 211 is codified as Title 22, Section 204(3), et seq., Code of Alabama 1940 (Recompiled 1958).

Now turning to Title XVIII of the Social Security Act, which was enacted by Public Law 89-97, we find a provision for a voluntary insurance program to provide medical services for eligible persons. Among such medical services are nursing services for the insured in his home. These home nursing services are to be provided only by "Home Health Agencies," which are approved by the Secretary of the Department of Health, Education, and Welfare, who will be referred to hereafter as the Secretary.

"Home Health Agencies" is defined by Section 1861(o) of Title XVIII as either a public agency or a private organization, which meets the established conditions, and is approved by the Secretary.

A pamphlet published by the Secretary entitled the "Conditions of Participation of Home Health Agencies," on page 3 thereof, gives examples of agencies which might be eligible for participation in the Health Insurance Program. These are listed as follows:

"Visiting nurse association;

"Subdivision of a local or state health department;

"Combination visiting nurse association—Health Department Agency;

"Subdivision of a local or State welfare department offering home health services;

"Department of a hospital, medical school, medical clinic, extended care facility or rehabilitation facility offering home health services."

Section 1866 of Title XVIII provides for contracts between the Secretary and agencies, such as those listed above, which meet the

conditions established by law. We have been furnished by your Director of the Bureau of Public Health Nursing with a copy of the agreement, which became effective July 1, 1966, whereby the Division of Home Health Service has been established as an agent of the Federal Government to provide "Home Health Services."

Title XVIII provides, in regard to charges, that:

> "A provider of services may charge [an insured person] (i) the amount of any deduction or co-insurance amount imposed . . . and (ii) an amount equal to twenty percentum of the reasonable charges for such services . . . ."
>
> (Title XVIII, Section 1866(a)(2)(A)).

Section 1866 also provides for other charges, which, under certain conditions, a "Home Health Agency" is authorized to collect from insured persons.

I am of the opinion, therefore, that the Division of Home Health Services, by virtue of the contract referred to above, is authorized to provide "Home Health Services" to those persons insured under Title XVIII and is also authorized to collect from such insured persons the $50.00 deductible, the 20% cost of visits, and the other charges authorized by Title XVIII for home nursing care. These collections, however, would be controlled by Title 55, Section 103, Code of Alabama 1940, and, in my opinion, must be deposited to the credit of the general fund of Alabama.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

October 18, 1966

Honorable Guy D. Roberts, Chairman
Morgan County Board of Revenue and Control
Decatur, Alabama

Morgan County — Commissioner of Licenses — License Inspectors — Costs and Fees

Under the provisions of Act No. 115, approved August 19, 1966 (Special Session 1966), the Commissioner of Licenses in counties in the population bracket embracing Morgan County is not entitled to the costs, fees, penalties, etc., of the License Inspector until the first Monday after the second Tuesday in January, 1967. Until that date said costs, fees, penalties, etc., are paid into the general fund of the county.

Opinion by Assistant Attorney General Screws

Dear Mr. Roberts:

This is to acknowledge receipt of your letter of September 30, 1966, which is as follows:

"Your attention is respectfully directed to House Bill 191 by Brewer and Slate which was passed by the House on August 2nd, 1966, and by the Senate on August 9th, 1966, and is applicable to Morgan County, Alabama. It will be noted that Section 3 of said Act provides in part as follows:

" 'The Total compensation of the commissioner until the first Monday after the second Tuesday in January 1967 shall be an annual salary of seven thousand five hundred dollars ($7,500).'

"Section 21 of said Act provides in substance that on November 1, 1966 the office of license inspector provided for by Code of Alabama 1940, Title 51, Section 835 is abolished and thereafter the commissioner of licenses which is created by the Act in question is made ex officio license inspector for Morgan County and is charged with performing all the duties in said County required by law of license inspectors. Said Section further provides in part as follows:

" 'For performing the duties of license inspector required by this Act the commissioner of licenses shall be entitled to charge and collect all the fees, costs, penalties, commissions, and other charges, which license inspectors are now or hereafter may be authorized by law to charge and collect. He shall be entitled to receive, in addition to citation fees, the fifteen percent penalty required to be paid by delinquents on taking out licenses in the county and any other penalties now or hereafter imposed upon delinquent license taxpayers, and all such money collected by the commissioner in the performance of his duties as license inspector shall be kept by him as a part of the emoluments of his office.'

"In view of the above provisions your official opinion is requested as follows:

"1. Is the commissioner of licenses entitled to the fees, costs, penalties, etc., provided for in Section 21 of said Act for performing the duties of license inspector during the period from November 1st, 1966, until the first Monday after the second Tuesday in January, 1967 (January 16, 1967) in view of the above quoted provision found in Section 3 of said Act?

"2. If your answer to the first question is in the negative please advise what the license inspector should do with such fees, costs, penalties, etc., collected by him during said period?

"3. If your answer to the first question is in the negative please advise if the total compensation which the commissioner of

licenses is entitled to receive under the terms of said Act from November 1st, 1966, to the first Monday after the second Tuesday in January, 1967 (January 16, 1967) is a monthly salary based upon an annual salary of Seven Thousand Five Hundred Dollars or is he entitled to additional and other fees under other provisions of said Act during said period?"

House Bill 191, supra, is Act No. 115, approved August 19, 1966 (Ms.).

I am of the opinion that your first inquiry should be answered in the negative.

In answer to your second inquiry, it is my opinion that until the first Monday after the second Tuesday in January, 1967, the fees, costs, penalties, etc., in question should be paid into the county treasury to the credit of its general fund.

In answer to your third inquiry, it is my opinion that from November 1, 1966 to the first Monday after the second Tuesday in January, 1967, said Commissioner of licenses is entitled to receive only a total monthly salary based on an annual salary of $7,500.00

In addition to the provisions of Act No. 115, supra, referred to in your letter of inquiry, Section 13 of said Act must also be taken into consideration. Said Section 13 provides as follows:

Section 13. Except as hereinafter otherwise provided, for the performance of the duties imposed on him by this Act, the commissioner of licenses shall charge and collect the same fee that is prescribed in the general law for a like service when performed by the tax assessor, the tax collector, or the probate judge or the **license inspector,** as the case may be. For the performance of duties relative to the recording of the transfer of ownership of motor vehicles as prescribed in Code of Alabama 1940, Title 51, Section 706, he shall charge and collect a fee of one dollar ($1.00). **All such fees except as hereinafter provided, shall be the property of the county and shall be paid into the general fund of the county."** [Emphasis supplied]

Section 3, Section 13, and Section 21 should be construed pari materia. In my judgment, each has a field of operation. The quoted portion of Section 3, as set out in your letter of inquiry, is the key to the situation. It specifically provides that the **total compensation** of the Commissioner, until the first Monday after the second Tuesday in January, 1967, shall be an annual salary of Seven Thousand Five Hundred Dollars ($7,500). Until that time the commission in question shall be the property of the county and shall be paid into its general fund under the provisions of Section 13, supra. The words "fees, costs, penalties, and commission," as used in said Act, in my opinion, are used interchangeably, and mean the same thing. Beginning on the first Monday after the second Tuesday in January, 1967, the Commissioner

is entitled to an annual salary of Four Thousand Dollars ($4,000) and his fees are to be retained by him for his own benefit under Section 3, supra. This gives the retention provisions of Section 21, referred to in your letter, a field of operation beginning on that date.

The foregoing is in accordance with the principles enunciated in a letter to you dated January 11, 1966, construing the provisions of Act No. 416, approved August 16, 1965, the provisions of which are very similar to those in the Act under consideration.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

October 25, 1966

Honorable Arnold D. Debrow
Tax Assessor
Mobile County
Mobile, Alabama

Taxation — Municipalities — Tax Assessors.

1. Municipal ad valorem taxes are payable in advance.

2. Municipal ordinances are presumed to be valid until held otherwise by the courts.

3. The county tax assessor must show on his assessment list the ad valorem taxes levied by municipalities.

4. If municipal ad valorem taxes are improperly assessed and collected the tax payer may claim a refund from the municipality.

Opinion by Assistant Attorney General Gish.

Dear Mr. Debrow:

Reference is made to your request of October 17, 1966, for an opinion of this office concerning your duty to assess for municipal ad valorem taxes that property annexed to the City of Mobile by Act No. 18, Acts of Alabama 1956, page 279, which statute makes the levy of such taxes contingent upon the furnishing of certain services by said City to the property owners and residents of annexed territory. Reference is also made to our telephone conversation of October 24, 1966, regarding said request.

You first ask whether municipal ad valorem taxes are payable in advance. This question is answered in the affirmative. See the opinion

reported in Quarterly Report of Attorney General, Volume 112, page 82, a copy of which is enclosed.

The other questions presented are based upon facts under which you doubt the validity of the ordinances of the City of Mobile levying ad valorem taxes on the property located within the territory annexed to said City by Act No. 18, supra.

As you know the opinions of this office are advisory only and we are not authorized to rule upon the validity of ordinances enacted by municipal governing bodies. Such ordinances are presumed to be valid until held otherwise by the courts.

You have indicated in both your request and our telephone conversation that you have shown on your assessment list the taxes levied by the City of Mobile on the property embraced in Act No. 18, supra. I am of the opinion that it was your duty to perform this administrative task under the provisions of Title 37, Chapter 15, Article 2, Code of Alabama 1940.

If any taxpayer desires to contend that his municipal ad valorem taxes have been improperly assessed and collected, he may file a claim for a refund with the City of Mobile in the manner prescribed by Title 37, Section 729, Code of Alabama 1940.

I trust that this opinion furnishes the desired information.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

October 26, 1966

Honorable Fred D. Ramsey, Superintendent
Marengo County Schools
Linden, Alabama

City Boards of Education — County Boards of Education — Schools

1. By agreement only between county and city boards of education using reasonable judgment, pupils in city may be transported to city schools by county board of education at city expense.
2. Generally city and county boards of education are not liable for the negligence of its servants, agents, or employees, but this may not be so as to a bus driver himself.
3. Under Title 52, Section 162, Code of Alabama 1940, Recompiled 1958, kindergartens and playgrounds are a part of the city school system where so established.

4. Students going to parochial schools may ride public school buses where it is done without interfering with public school use and in accordance with opinion dated November 21, 1960 to Honorable Earl T. York, Superintendent, Cullman County Schools, Cullman, Alabama.

Opinion by Assistant Attorney General Madison

Dear Mr. Ramsey:

I have your letter of October 25, 1966, which is as follows:

"The Marengo County Board of Education respectfully requests your opinion on the following:

"1. (a) May County Boards of Education legally transport pupils that reside within the City Limits to a school also within the City Limits if that City has a school system of its own, separately and apart from the County System?

" (b) If so, who would be liable or responsible for the students — the County Board of Education or the City Board of Education?

" (c) If so, could the City and County Boards of Education enter into some type of contract covering the expense?

"2. May school buses be used to transport kindergarten students (under school age) to school facilities?

"3. May students going to Parochial Schools ride public school buses even though the route of the school bus to the public school is not changed in any way? That is, a child gets off at the Parochial School in the morning, the bus continues to the Public School and in the afternoon the bus stops at the Parochial School, picks up the child and carries him home.

"Please give me a prompt answer on these situations if at all possible."

Section 76, Title 52, Code of Alabama 1940, relates to the power of County Boards of Education to arrange for the transportation of pupils to and from **consolidated** schools. This in my opinion relates to consolidated schools **within** the jurisdiction of said Board. **Salter v. Board of Education of Jefferson County,** 229 Ala. 631, 159 So. 78; **Conecuh County Board of Education v. Campbell,** 162 So. 2d 233.

The transportation of pupils to city public schools by the County Board of Education can be accomplished **only by contract or agreement** between the two Boards where a City Board of Education also exists. **Ex parte Perry County Board of Education,** 180 So. 2d 246.

Questions numbered 1(a) and 1(c) are answered in the affirmative provided the County and City Boards enter into an agreement to that effect providing for such transportation and expenses.

I do call attention, however, to Title 52, Section 161(1) (2), Code of Alabama 1940 as Recompiled in 1958, which provides that a city school board may purchase and own buses.

As to question numbered 1(b), each case must be governed by the facts which cause the injury or damage. Generally neither Board of Education is liable for the negligence of its servants, agents or employees. But, that is not to say a bus driver himself is not so liable as the facts might show in a court case involving injury to a student.

Question numbered 2 is answered in the affirmative. Under Title 52, Section 162, Code of Alabama 1940 as Recompiled in 1958, kindergartens and playgrounds are a part of the city school system where so established. The children must be bona fide residents of and living within the corporate limits of such city and from five to eight years of age. Subject to the above, the two Boards of Education could provide by agreement for the transportation of such children by the County Board of Education. The City Board could of course buy and use its own buses for such purpose.

Question numbered 3 is answered in the affirmative, subject to the conditions stated in the opinion of this office dated November 21, 1960, to Honorable Earl T. York, Superintendent, Cullman County Schools, Cullman, Alabama, copy of which is enclosed.

In the transportation of pupils to the public schools, courts do not interfere unless fraud or gross abuse of discretion is shown. The facts of your case may or may not show that it is wise for transportation arrangements and agreements to be made between the two school Boards rather than for the City Board to acquire buses and arrange for its own transportation. The two Boards will have to decide, using reasonable judgment and discretion.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

November 3, 1966

Hon. B. A. Reynolds
Judge of Probate
Dallas County
Selma, Alabama

Elections — Ballots — Write-Ins — Rubber Stamps

Under Title 17, Sections 155, 161 and 162, Code of Alabama 1940, Recompiled 1958, in order to vote for a person whose name is not printed on the ballot, the voter must per-

sonally write the name of the person on the ballot in the proper place thereon if the voter is capable of doing so, and a rubber stamp or sticker may not be used for this purpose.

Opinion by Assistant Attorney General McQueen

Dear Sir:

I have your letter of November 3, 1966, which is as follows:

"We would like your opinion relative to the following questions:

"1. Is it legal in a General election to use sticker or a rubber stamp to vote for a write-in candidate?

"2. On a General election ballot prepared with a blank column for write-ins, is it legal to write in under any other column beside the blank column opposite the name of the office for which you are writing in?

"3. In writing in the name of a candidate for sheriff, if the name is written in the blank column opposite the office of Tax Assessor or any other office on the ballot could it be counted a vote for the sheriff?

"I would appreciate an early opinion as the election is to be held November 8th."

Your first question has been answered in the negative by an opinion of this office addressed to Frank B. Lloyd, Judge of Probate, Crenshaw County, under date of July 21, 1954, Quarterly Report of Attorney General, Vol. 76, page 15, wherein it was held:

"3. Under Title 17, Sections 155 and 162, Code of Alabama 1940, in order to vote for a person whose name is not printed on the ballot, the voter must personally write the name of the person on the ballot in a proper place thereon if the voter is capable of doing-so, and a rubber stamp or sticker cannot be used for such purpose."

My answer to your second and third question is in the negative.

Sections 155, 161 and 162, Title 17, Code of Alabama 1940, in my opinion require that a write-in must be in the blank column under the title of the office written in. I quote, in part, from Section 155, supra:

"The elector may write in the column under the title of the office the name of any person whose name is not printed upon the ballot for whom he may desire to vote. . . ."

Section 161, supra, reads, in pertinent part, as follows:

". . . or by writing the names, if they are not printed, upon the ballot in the blank column under the title of the office."

Section 162, supra, reads as follows:

"If the elector desires to vote for any person whose name does not appear upon the ballot, he can so vote by writing the name in the proper place on the blank column."

Section 162, hereinabove quoted, provides that an elector may vote for a person whose name does not appear upon the ballot by writing in the name in the proper place on the blank. In my opinion, the proper place referred to in this section is in the blank column under the title of office written in as provided by Sections 155 and 161, supra.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

November 4, 1966

Hon. Lee M. Otts
County Attorney
Escambia County
P. O. Box 38
Brewton, Alabama

Elections — Ballots — Write-Ins — Candidates

In writing in the name of a candidate whose name does not appear on the ballot, it must be done in such a fashion that the election officials can determine with certainty the person the elector intended to vote for.

Opinion by Assistant Attorney General McQueen

Dear Sir:

I have your letter of recent date in connection with write-in candidates in your county in which you ask the following questions:

"Is it necessary that the full name of the candidate be written, could only his initials and last name, or would his last name alone be sufficient? Is it necessary that the name be spelled correctly? Would labels printed with the candidate's name and stuck on the ballot or space in the voting machine with adhesive backing be legal?"

In my opinion, it is not necessary that the full name of the candidate be written in on the ballot, and his initials or given name, together with his last name, may be used. However, I do not believe that it would be sufficient to use a write-in candidate's last name only. This for the reason that it could not be definitely ascertained from merely a last name who the person intended to vote for.

I do not believe that it is necessary that the name be spelled correctly, if it can be determined from the spelling on the ballot, the person for whom the elector intended to vote.

In final analysis, it is my opinion that if a person writes in a candidate's name, it must be done in such fashion that the election officials can determine exactly what person the elector intended to vote for. There is no yardstick that I can lay down in this regard, but the name written in must be identifiable with the person seeking the office.

This office has heretofore ruled that labels or stickers with the candidate's name thereon may not be used on paper ballots, and by like reasoning cannot be glued or otherwise fastened on the mechanism provided on voting machines for write-in candidates. Quarterly Report of the Attorney General, Vol. 76, Page 15.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

November 4, 1966

Honorable Slaught McMahan, Chairman
Etowah County Board of Revenue
Gadsden, Alabama 35902

Officers and Offices — Statutes — Constitutionality — Etowah County

Under Amendment XCII (92) to the Constitution of Alabama of 1901, known as the "Boutwell Amendment," certain salary increases of various officers of Etowah County do not become effective until next term of office of those officers having a fixed term and exercising sovereign powers of the State, but become effective on the effective day of Act increasing salaries as to those who do not have a fixed term of office.

Opinion by Assistant Attorney General Screws

Dear. Mr. McMahan:

This is to acknowledge receipt of your letter of October 28, 1966, which is as follows:

"On August 23, 1966, at the special session of the Alabama Legislature, Act No. 176 became effective on the signature of the Governor. This act provides for salary increases for the chairman and associate members of the board of revenue; the tax assessor; the tax collector; two deputy district attorneys; the jury commission;

the sheriff; the chief deputy sheriff; the assistant chief deputy sheriff; each regular deputy sheriff; the district attorney and the board of equalization. There is confusion as to when the salary increases for the above enumerated officials begin.

"As Chairman of the Etowah County Board of Revenue I hereby ask for an Attorney General's opinion as to the first date after Act No. 176 of the special session of the Alabama Legislature of 1966 became law, that the salary increases specified in said act can be paid legally to the two deputy district attorneys; the sheriff; the chief deputy sheriff; the assistant chief deputy sheriff; each regular deputy sheriff; the members of the board of equalization and the members of the board of registrars."

At the outset, I wish to state that the answers to the questions presented by you pretermit a consideration of the constitutionality of Act No. 176, approved August 23, 1966, Special Session, 1966 (Ms.).

Amendment XCII (92) to the Constitution of Alabama 1901, known as the "Boutwell Amendment," provides as follows:

"INCREASING OR DECREASING SALARIES, ETC., OF STATE AND COUNTY OFFICERS.—Any provisions of this Constitution or amendments thereto to the contrary notwithstanding, neither the legislature, nor any county of the state shall, by the imposition of new, different, and additional duties or otherwise, increase, or authorize the increase of, the salary, fees or other compensation of any officer of the state or of any county of the state, who is elected or appointed for a fixed term, during the term for which he is elected or appointed, regardless of whether such officer may be removed at the pleasure of the authority electing or appointing him or only upon impeachment; nor shall the legislature or any county of the state in any manner or by any means decrease, or authorize the decrease of, the salary, fees or other compensation of any such officer, during the term for which he is elected or appointed; nor shall the legislature or any county of the state increase or decrease, or authorize the increase or decrease of, the salary, fees or other compensation of any person filling an unexpired term in any such office during the remainder of such term, either before or after the appointment or election of such person to fill the unexpired term. As to officers who are members of any court, board, commission, or similar body whose terms do not run concurrently, any increase or decrease in the salary, fees, or other compensation of the members of any such court, board, commission, or similar body shall become effective as to all such members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms frst expire."

This Amendment was proclaimed ratified May 16, 1952, subsequent to the ratification of Amendment LXII (62) relative to the altering of the compensation of certain officials of Etowah County.

Act No. 176, supra, is a general act of local application applying to counties of not less than 96,000 nor more than 106,000 population according to the most recent Federal Decennial Census, and provides for the compensation of certain officials of Etowah County. The effective date of the pertinent provisions of Act No. 176, supra, as to the respective officials about whom you inquire, depends upon whether such officials are considered state or county officers with a fixed term within the purview of Amendment XCII (92), supra.

Section 9 of said Act No. 176, supra, provides as follows:

"This Act shall become effective on the first day of the month next following the date of its enactment; provided that should there be constitutional or statutory prohibitions preventing any of the public officers named hereinabove from receiving such prescribed compensation as of such date, the provisions of this Act shall become effective as to them immediately following the date upon which such prohibition expires."

As to each individual respective officer concerned, the statutory provisions under which such officials are functioning must be taken into consideration, whether same be general, special, or local legislation.

I am not informed as to whether the two deputy district attorneys in question are functioning under a special or local act. However, under the general law deputy solicitors (now deputy district attorneys) serve at the pleasure of the solicitor appointing them and they do not have a fixed term of office. Consequently, they do not come within the purview of Amendment XCII (92), supra; and the provisions of Act No. 176, supra, as to them became effective on September 1, 1966.—Title 13, Section 256, Code of Alabama 1940, Recompiled 1958; Quarterly Report of Attorney General, Volume 48, page 276.

A sheriff unquestionably is an officer and holds a fixed term of office within the purview of Amendment XCII (92), and his compensation cannot be raised during the term for which he was elected or appointed.—Section 138 and Amendment XXXV (35), Constitution of Alabama 1901.

I am not informed as to whether the chief deputy sheriff, the assistant chief deputy sheriff and each regular deputy sheriff in question are functioning under any special or local act. However, under the general law deputy sheriffs, including the chief deputy, serve at the pleasure of the sheriff appointing them and do not hold a fixed term of office.—Title 54, Section 3, Code of Alabama 1940, Recompiled 1958. Such deputies do not exercise the sovereign powers of the State but merely act as the alter ego of the sheriff under whom they serve, and in performance of their duties the acts of the deputy sheriffs are in effect the acts of their principal.—Quarterly Report of Attorney General, Volume 115, page 80. Consequently, such deputy sheriffs do not come within the purview of Amendment XCII (92), supra; and the

provisions of Act No. 176, supra, relative to them became effective on September 1, 1966.

I also am not informed as to whether the members of the County Board of Equalization and the members of the Board of Registrars in question are functioning under a special or local law.

Under the general law, members of county boards of equalization have a fixed term and any increase in their compensation could not become effective until the expiration of said term.—Title 51, Section 89, Code of Alabama 1940, Recompiled 1958. See letters to Honorable Calvin L. Vest, Chairman, Cullman County Board of Revenue, Cullman, Alabama, dated April 21, 1965; and to Mr. Robert H. Kirksey, Chairman Court of County Commissioners, Pickens County, Carrollton, Alabama, dated March 16, 1966.

Title 17, Section 22, Code of Alabama 1940, Recompiled 1958, provides for the office of the members of the boards of registrars. Our Supreme Court in the case of **Cooper v. State**, 226 Ala. 288, 147 So. 432, held that these members do not have a fixed term of office.—Letter to Honorable Calvin L. Vest, supra. Consequently, the provisions of Act No. 176, supra, relative to these officers took effect on September 1, 1966.

It is hoped that the above will give you the information you desire. If not, it is suggested that you resubmit any questions you may have as to any individual officers with whom you are concerned by separate requests, citing the special or local act under which such particular officers are now functioning.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

November 16, 1966

Honorable Ben H. Lightfoot
Attorney for Town of Brantley
Luverne, Alabama 36049

License Taxes — Municipalities — Interstate Commerce.

1. Imposition of municipal license tax on "every distributor or seller" who sells or delivers gasoline within the corporate limits of the municipality and on "each gallon of gasoline sold or delivered" therein is not violative of the Commerce Clause of the Federal Constitution where the distributor involved delivers the gasoline directly from his truck to customers located in the municipality even though the gasoline is so delivered directly from

the truck after being transported in interstate commerce and from without the State.

2. The license tax in such instances is for the privilege of any distributor making a sale or delivery of gasoline within the town or city which has been held to be a local event taking place within the city separate and apart from the act of transporting the gasoline and properly taxable as such.

3. Such imposition is without any exception on "each" seller or distributor of gasoline who sells or delivers same within the municipality, and there is no evidence or indication that the license is not applied equally to all, regardless of from where the gasoline comes.

Opinion by Assistant Attorney General Burton.

Dear Sir:

Your request for an official opinion from this office dated September, 2, 1966 is as follows:

"The Mayor and Council of the Town of Brantley have asked me to get your opinion on a matter pertaining to the enclosed ordinance. The question they are faced with is this: One distributor of gasoline who supplies filling stations in the corporate limits and police jurisdiction has refused to pay the tax imposed by the ordinance contending that he is engaged in interstate commerce.

"This distributor is located in Luverne, Alabama, and has office and storage facilities here. He contends, however, that he is not liable for the tax to Brantley because he trucks his gasoline directly from the State of Florida to the filling stations in Brantley, Alabama, and that the same is never stored in his storage tanks in Luverne.

"The Town and the Distributor have agreed to abide by your decision on this matter and thus avoid court litigation."

Your question is answered to the effect that it clearly appears that the distributor falls within the scope of the Ordinance and is liable for the license tax which is levied thereby. There is no indication under the circumstances as enumerated that the license as so levied and applied would violate or conflict with the Commerce Clause of the Federal Constitution.

The Ordinance to which you refer levies a license tax on all sellers or distributors who sell or deliver motor fuels within the corporate limits of Brantley, and in an amount equal to one cent a gallon, and a tax at the rate of one-half cent a gallon on all such fuels "sold or delivered" by any seller or distributor in the police jurisdiction. It also contains the usual stock clause that: "The provisions of this Ordinance

shall not apply to any sales or deliveries which constitute interstate commerce.

The facts as well as the provisions of the Ordinance involved are substantially the same as those before the Court in **Sanford v. City of Clanton,** 244 Ala. 671, 15 So.2d 303, and **Sanford Service Co. v. City of Andalusia,** 256 Ala. 507, 55 So.2d 856. The distributor in those cases was located in De Funiak Springs, Florida, and had no storage facilities or place of business in Alabama. After receiving orders by wire or other means of communication from their customers located in Clanton and Andalusia, respectively, they transported the gasoline and other motor fuels which they distributed in their own truck or trucks from De Funiak Springs, Florida to Clanton or Andalusia, and delivered the oil products from their truck or trucks at the end of such journey from De Funiak Springs to their customers located in said cities.

Under the foregoing facts the Alabama Supreme Court held that as the Ordinance involved levied the license tax on all persons who sold or distributed oil products in said cities, whether they came from within or without the State, that there was no discrimination. Moreover, that as the sales or distributions involved were consummated by the products being delivered by the distributor to the customers in Clanton and Andalusia, that the license ordinances levied on such deliveries or distributions within the borders of said cities were actually directed at local events, which took place within the borders of said cities, which could be realistically separated from the transportation of the motor fuels involved in interstate commerce. See also in this respect **Standard Dredging Corporation v. State,** 271 Ala. 22, 122 So.2d, 280, 286, appeal dismissed 364 U. S. 300, 81 S.Ct. 268, and **Haden v. Olan Mills, Inc.,** 273 Ala. 129, 135 So.2d 388.

Under the circumstances, and in the Clanton and Andalusia cases, the Court pointed out that the municipal license taxes involved were not directed at interestate commerce, but at said local events (delivery) taking place within the limits of the municipalities, and as so directed and applied did not in any respect violate the prohibition against taxing interestate commerce. **Sanford v. City of Clanton,** supra, 15 So.2d at page 308, and **Sanford Service Co., Inc. v. City of Andalusia,** supra, 55 So.2d at pages 858 and 860.

Under very similar circumstances this office has also held other municipal ordinances to be valid and to have been properly levied upon distributors selling and delivering within the corporate limits of the cities or towns involved where like contentions were made by the taxpayers in those cases. Quarterly Reports of the Attorney General, Volume 113, page 29; Volume 104, page 21; and Volume 89, page 41.

Very truly yours,

RICHMOND M. FLOWERS
Attorney General

November 17, 1966

Honorable Wayland Cooley, Superintendent
Marshall County Schools
Guntersville, Alabama

Schools — County Boards of Education — Officers and Offices — Expenses.

Expenses of a former member of County Board of Education may not be paid for attendance at HEW meeting in Washington, D. C. However, if his personal appearance at said meeting as a material witness is necessary, such expenses may be paid as a legitimate expenditure of said Board.

Opinion by Assistant Attorney General Screws.

Dear Mr. Cooley:

This is to acknowledge receipt of your letter of November 15, 1966, which is as follows:

"Mr. L. C. Warren has been a member of the Marshall County Board of Education since November, 1960. He was Chairman of the Board from November, 1962 through November, 1966. Mr. Warren was not re-elected, and his successor was sworn into office on November 9, 1966.

"The Marshall County Board of Education presented a Freedom of Choice De-segregation Plan in 1965, which was accepted by the U. S. Office of Health, Education and Welfare. The Board has refused to sign HEW Form 441-B for the 1966-67 school year.

"On August 5, 1966 the Board received a letter from HEW, stating that the Board was not in compliance with the 1966 Guidelines. Therefore, all federal funds were deferred for new activities. The Board asked HEW for a hearing. The hearing has been set in Washington for November 29, 1966 at 10:00 A.M.

"I need an attorney general ruling on the following question, on or before November 23, 1966:

" 'Can the Marshall County Board of Education pay the expense of Mr. L. C. Warren to attend this hearing in Washington on November 29, 1966, and any future hearing connected with this litigation between the Marshall County Board of Education and the U. S. Department of Health, Education, and Welfare.' "

A definite answer to your inquiry depends upon the factual situations which may be involved.

I do not think that your County Board of Education can pay the expenses of Mr. Warren for attending the present and future hearings in question merely because he has been a former member and Chairman

of your County Board of Education and dealt with the situation involved. He is no longer a member of the Board and his expenses may not be paid as such.

On the other hand, if Mr. Warren's personal presence at said hearings is necessary as a material witness and his expenses are not payable otherwise, it is my opinion that your County Board may legally pay his expenses as a legitimate expenditure by said Board.—See Title 52, Section 99, Code of Alabama 1940, Recompiled 1958.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

December 1, 1966

Honorable Bill Bradley
City Attorney
City of Gadsden
Gadsden, Alabama

Municipalities — Police — Motor Vehicles.

Municipal police vehicles must be equipped with at least one lamp exhibiting either a red or green light.

Opinion by Assistant Attorney General Gish.

Dear Mr. Bradley:

Reference is made to your request of November 7, 1966, for an opinion of this office which reads as follows:

"Title 36, Section 19(b), Code of Alabama 1940, as amended, was amended by Act No. 434 of the Legislature of Alabama, passed during the Special Session, 1965. There appears to be a conflict in the terms of said section as amended by Act No. 434, supra.

"In the last sentencs in the first paragraph of said Section 1(b) of Act No. 434, supra, there appears the following:

" 'The color of the lighted lamp exhibited by police vehicles shall be blue . . .' (emphasis supplied).

"In the first sentence of the second paragraph of said Section 1(b) as contained in Act No. 434, supra, there appears the following:

" 'The words "police vehicle" include any emergency vehicle of any legally constituted law enforcement agency of the State, or any political subdivision thereof, or of the United States. The color of the lighted lamp exhibited by police vehicle may be **red** or **blue** . . .' (emphasis supplied).

"Because of the above quoted, conflicting provisions of Act No. 434, supra, it is unclear to the City of Gadsden whether or not its police vehicles must exhibit a lighted lamp of a blue color, or whether or not the lighted lamp on said police vehicles may be either red or blue in color. Will you, therefore, render an opinion answering the following question:

"Under the provisions of Act No. 434, passed by the Legislature of Alabama during the Special Session, 1965, amending Title 36, Section 19(b), Code of Alabama 1940, must police vehicles of the City of Gadsden, Alabama, exhibit a lighted lamp of a blue color, or may the police vehicles of said City exhibit a lighted lamp which is either red or blue in color?

"The provisions of Act No. 434, supra, become effective 120 days after September 12, 1966, which was the date of its approval. Because of this fact, we would appreciate an opinion from you as quickly as possible so that the City of Gadsden may have time within which to conform to your interpretation of this law."

The statute to which your request refers is Act No. 434, Acts of Alabama 1966, approved September 12, 1966. As you point out said statute amends Title 36, Section 19, Code of Alabama 1940.

The primary purpose of Section 19, as amended, supra, as well as the other statutes found in Chapter 1 of said Title 36, is to establish rules of the road in this State. Said statutes are designed to promote safety on the streets and highways.

As you know, prior to the enactment of Act No. 434, supra, municipal police vehicles were required to be equipped with at least one lamp exhibiting a red light. I am of the opinion that, since said state contains the conflicting provisions to which your request refers, it does not express legislative intent to require that municipalities change the color of such police vehicle lamps from red to blue.

Therefore, you are advised that the color of such lamps may be either red or blue.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

December 5, 1966

Hon. Thomas D. McDonald,
Judge, Madison County Court
Huntsville, Alabama

Attorneys — Courts — Madison County — Words and Phrases.

1. Act No. 526, Acts 1963, page 1136, providing for appointment of counsel for indigent defendants in the circuit court, or courts of like jurisdiction, or courts wherein the law provides a direct appeal to the Supreme Court or Court of Appeals to review such criminal proceedings, is not applicable in the Madison County Court in that said court does not have wide and general or superior jurisdiction over offenses when compared to that of the circuit court.
2. Although Act No. 526, supra, does not provide for appointment of counsel in the Madison County Court, indigent defendants have right of appeal and trial de novo in the circuit court where counsel must be appointed.

Opinion by Assistant Attorney General Sykes.

Dear Judge McDonald:

We have your request under date of November 22, 1966 for an opinion, which is as follows:

"Act number 526, Acts of Alabama Organizational, 1st Special, 2nd Special, Regular Sessions 1963, Vol. 2, page 1136, Section 1, states 'In all non capital criminal cases wherein a defendant is charged with a serious offense in the circuit court **or court of like jurisdiction,** or courts wherein the law provides . . . etc. . . .'

"and said act further provides for appointment of counsel for indigent defendants.

"QUESTION: Is the Madison County Court entitled to the benefits of the above statute by virtue of the fact that it is a court of 'like jurisdiction?'

"Act number 488 in the same volume of acts as above quoted on page 1048, Section 1, states in part 'The Court shall also have jurisdiction concurrently with the circuit court of all misdemeanors not herein specifically named. The Court shall have preliminary jurisdiction of all felonies committed in the county . . .'"

In my opinion, Act No. 526, supra, does not authorize the appointment of counsel for indigent defendants in the Madison County Court.

Act No. 526, supra, providing for the appointment and payment of counsel for indigent defendants on trial and on appeal, was designed to meet the requirements made by the United States Supreme Court in **Gideon v. Wainwright,** 372 U. S. 335, and **Douglas v. California,** 372 U. S. 353. See 38 Federal Rules Decisions 376-392.

This act requires appointment of counsel: "In the circuit court, or court of like jurisdiction, or courts wherein the law provides a direct appeal to the Supreme Court or Court of Appeals to review such criminal proceedings."

It is my view that this act only requires appointment and payment of counsel in those courts of general or superior jurisdiction where juries are available and whose judgments are next reviewable in the Supreme Court or Court of Appeals of Alabama.

True, the Madison County Court (Act No. 661, Acts of Alabama 1957, page 1003, as amended by Act No. 448, Acts of Alabama 1963, page 1048) possesses jurisdiction over persons and offenses also possessed by the circuit court, but when the wide and general jurisdiction of the circuit court over persons and offenses is compared with the limited or enumerated jurisdiction of the Madison County Court it is clear that the latter is not a court "of like jurisdiction" as that of the circuit court. For example, the Madison County Court has no jurisdiction in general to try felonies. Further, appeals lie from the Madison County Court to the circuit court—not the Court of Appeals or Supreme Court of Alabama. On appeal the circuit court hears the case de novo, with a jury if demanded, and counsel must be appointed in the circuit court for indigent defendants in such "appeals," or new trials.

It is my view, therefore, that the Madison County Court is not a court of like jurisdiction as that of the circuit court, and hence the provisions of Act No. 526, supra, are not applicable therein.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

December 7, 1966

Honorable Claud J. Smithson
Mayor, City of Fairfield
Fairfield, Alabama

Ad valorem Taxes — Municipalities — Taxation — Taxes.

A municipal medical clinic board may not require its lessee to make payments in lieu of ad valorem taxes to the municipality.

Opinion by Assistant Attorney General Gish.

Dear Sir:

Your request for an official opinion, under date of November 16, 1966, is as follows:

Your official opinion is hereby requested on the following question:

"May the City of Fairfield, through its Medical Clinic Board, as authorized in Act 516 of the 1955 regular session as subsequently amended, provide in a lease with a third party for payment to the City an amount equal, but not in excess of, the ad valorem taxes which would normally be due, as a condition and premise of the lease? We note that Section 11 of said Act specifically exempts the

property and lease agreements from taxation. In view of the exemption specified, we would like to know if an agreement for payment in lieu of ad valorem taxes would be legal."

The Medical Clinic Board of the City of Fairfield was created under and is controlled by the provisions of Act No. 516, Acts of Alabama 1955, page 1160, as amended by Act No. 109, Acts of Alabama, First Special Session, 1955, page 153.

Section 7 of Act No. 516, supra, provides that the board shall lease the clinic or its facilities to a lessee or lessees, under an agreement providing for payment to the board of such rentals as will be sufficient to pay the principal of and interest upon the bonds issued to finance the clinic, to build up and maintain any reserves deemed by the board to be advisable in connection therewith and, unless the agreement obligates the lessee to pay for the maintenance and insurance of the clinic, to pay the cost of maintaining the clinic in good repair and keeping it properly insured. Quarterly Report of Attorney General, Volume 83, page 40. Any revenues derived from the operation of the clinic, over and above the amounts necessary to meet the above charges, may be applied to the payment of the principal of and interest upon the bonds issued to finance the clinic, or for other expenditures in connection with maintaining, expanding, operating or equipping the clinic, at the discretion of the board.

As your request points out Section 11 of said statute, exempts the property owned by a medical clinic board from all taxation in the State.

No provision of the statute, as amended, allows a medical clinic board to require its lessee to pay to the municipality any amount in lieu of ad valorem taxes.

Therefore, I am of the opinion that the Medical Clinic Board of the City of Fairfield may not require its lessee to make payments to the City in lieu of ad valorem taxes.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

December 27, 1966

Hon. Joe Stowers

Associate Superintendent
Jefferson County Board of Education
A-400 Courthouse Building
Birmingham, Alabama

County Boards of Education — Insurance — Schools — Opinions of Attorney General, Modified and Overruled.

1. A County Board of Education can purchase liability insurance on its school buses.
2. A County Board of Education is not liable for the torts of its employees.
3. Opinions of this office modified and overruled.

Opinion by Assistant Attorney General Bradley.

Dear Sir:

Your request for an official opinion of this office bearing date of October 6, 1966 is as follows:

"One of our board of education members has requested that we ask for bids on liability insurance coverage for all of our personnel and property, including all school buildings. I have maintained the position that funds derived from taxes could not be used to purchase liability insurance because of the State Board of Adjustments. Mr. O. P. Richardson in the State Department of Education has a similar conviction. Also, I feel that if our funds are used in paying liability insurance premiums the money will be charged back to us.

"If possible, please give us an advisory opinion regarding the legality of our board of education using its funds for liability insurance coverage for all personnel and property, including school buildings."

In the case of **Hughes v. Hartford Accident & Indemnity Co.,** 223 Ala. 59, 134 So. 461, the Supreme Court of Alabama held that the County Board of Education had the "implied authority" to contract for and pay the premium on a policy of liability insurance on its school buses; but, it also decided that the County Board of Education was not liable because of governmental immunity for injuries caused by the negligent operation of one of its buses.

Then in **Hawkins v. State Board of Adjustment,** 242 Ala. 547, 7 So. 2d 775, reversing 30 Ala. App. 450, 7 So. 2d 773, the Supreme Court of Alabama said that a County Board of Education could not be held liable in tort for the negligence of one of its servants or agents. The reason given was that said Board is a State agency and therefore has immunity from such suit.

It has been said many times by our courts that an agency of the State cannot waive its immunity. **Curry v. Woodstock Slag,** 242 Ala. 379, 6 So. 2d 479; **Glass v. Prudential Insurance Co.,** 246 Ala. 579, 22 So. 2d 13.

So, it would appear that if an agency of the State is immune from suit by one who has been injured as a result of the negligence of one of said agency's employees, there would be no reason for purchasing liability insurance. This conclusion is further supported by the legislative provision—Title 55, Section 334, Code of Alabama 1940, as Re-

compiled 1958—authorizing the State Board of Adjustment to take cognizance of such negligently caused injuries.

However this may be, our Supreme Court has said that a County Board of Education has the authority to purchase liability insurance on its buses, even though said Board is immune from suit by anyone who has been injured by the negligent operation of said buses. **Hughes v. Hartford Accident & Indemnity Co.,** supra.

And, since this office does not overrule opinions of the Supreme Court of Alabama, it must be our conclusion and opinion that a County Board of Education can purchase liability insurance for its buses. But, it is also my opinion that a County Board of Education cannot be held liable for the torts of its employees because of its governmental immunity, and, furthermore, said Board cannot waive said immunity. See **Hughes v. Hartford Accident and Indemnity Co.,** supra; **Hawkins v. State Board of Adjustment,** supra; Biennial Report of Attorney General, 1932-34, p. 458; Quarterly Report of Attorney General, Vol. 22, p. 127; Quarterly Report of Attorney General, Vol. 55, p. 168; Quarterly Report of Attorney General, Vol. 58, p. 113; Quarterly Report of Attorney General, Vol. 88, p. 14; Opinion to Hon. P. A. McDaniel, County Superintendent, Barbour County Schools, under date of October 11, 1955; **Dunn Construction Co. v. State Board of Adjustment,** 234 Ala. 372, 175 So. 2d 383; **State Tax Comm. v. Commercial Realty Co.,** 236 Ala. 358, 182 So. 31.

Therefore, in view of the legislative enactments and Supreme Court opinions above cited, I want it clearly understood that I am here restricting my approval of the purchase of liability insurance by County Boards of Education to coverage of school buses only. And, in my opinion, should such insurance be purchased by a County Board of Education, its benefit to said Board would be only to the extent as described in opinion of this office to W. A. Gayle, Mayor of Montgomery, Quarterly Report of Attorney General, January 1 through March 31, 1957, Vol. 86, page 7, copy enclosed.

The following opinions of this office are hereby modified and overruled insofar as they hold that a County Board of Education cannot purchase liability insurance on their school buses: Biennial Report of Attorney General, 1932-34, p. 458; Quarterly Report of Attorney General, Vol. 22, p. 127; Quarterly Report of Attorney General, Vol. 55, p. 168; Opinion to Hon. P. A. McDaniel, County Superintendent, Barbour County Schools, Clayton, Alabama under date of October 11, 1955.

Yours very truly,

RICHMOND M. FLOWERS
Attorney General

Encl.

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Deposits—Release	Mary T. Garner	Oct. 30	Sec. St.
Deposits—Release	Mary T. Garner	Nov. 4	Sec. St.
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Deposits—Release	Mary T. Garner	Nov. 22	Sec. St.
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